



UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

12 JOEL CABRERA,
 13 PLAINTIFF,
 14 v.
 15 BAY AREA CREDIT SERVICES,
 16 DEFENDANT.

Case No.: C 08-03761 JW

**ORDER VACATING ORDER TO SHOW
 CAUSE RE: SANCTIONS; SETTING
 HEARING ON ORDER TO SHOW CAUSE
 RE: SETTLEMENT PAYMENT AND
 STIPULATED DISMISSAL**

18 Based on the parties' separate responses to the Court's Order to Show Cause re: Sanctions
 19 (Docket Item Nos. 36, 38), the Court finds good cause to VACATE its Order to Show Cause and
 20 hearing set for July 13, 2009. However, the Court finds that the Stipulated Dismissal as filed (Docket
 21 Item No. 37) is incomplete since it is contingent upon Defendant's payment of the Settlement
 22 Agreement and attorney fees as awarded by the Court. Accordingly, the Court sets an Order to Show
 23 Cause hearing re: Settlement Payment and Stipulated Dismissal for **August 31, 2009 at 9 a.m.**

25 On or before **July 20, 2009**, Defendant shall tender the Settlement Payment and attorney fees
 26 and costs as awarded by the Court to Plaintiff. On or before **August 10, 2009**, the parties shall file a
 27 Stipulated Dismissal free of any contingent.

28
 Dated: July 7, 2009


 JAMES WARE
 United States District Judge